

Appendix K

Table of Offenses and Penalties




THE COMMISSIONER OF CUSTOMS

WASHINGTON, D.C.

August 23, 1999

MEMORANDUM FOR ALL CUSTOMS SUPERVISORS AND MANAGERS

FROM: Commissioner 
SUBJECT: Revised Table of Offenses and Penalties

Integral to our initiatives to improve the processes for investigating and addressing misconduct, is our recently completed revision of the Customs Table of Offenses and Penalties. Since the last major revision was over 10 years ago, it was clearly time to bring the Table up to date, so that it could serve as a complement to the other discipline reforms we have implemented.

Although the new Table (which is attached and effective immediately) contains excellent information to explain its usage, a few of the most important principles of the revised Table should be highlighted:

--The Table is, first and foremost, a guide for supervisors and managers to assist them in assessing misconduct and determining the appropriate penalty to propose. It provides the foundation for consistent and appropriate disciplinary action, so that we can better achieve our goal of "like discipline for like infractions."

--The Table is, nevertheless, only a guide. It provides the framework for consistency; but, since no two cases are exactly the same, the Table should not be seen as a substitute for the critical judgment that a manager brings to the process of determining the appropriate penalty.

--The new Table has been brought up to date. Many types of misconduct were not listed in the previous Table and have been included in the revision.

--The revised Table provides clearer guidance. Explanatory notes with discussion have been added, and references have been included when appropriate.

--The Table now provides more flexibility for use. The second and third offense columns have been consolidated into one column for second and subsequent offenses to provide flexibility in applying the concept of progressive discipline, based on the manager's considered judgment of the facts of individual cases.

As indicated above, the revised Table of Offenses and Penalties is only one of the changes we have made to the internal investigation and discipline programs.

These initiatives--which include the Disciplinary Review Board, improved methods for reporting misconduct, a cadre of trained factfinders to conduct administrative inquiries, enhancements to the Internal Affairs organization and resources, and new delegations of authority -- taken together, provide the Customs Service with the tools to ensure fairness and consistency.

New policies and procedures will not be successful, however, without communication and understanding. Our challenge is to continue improving employee awareness about the reforms. To meet this challenge, we will soon be distributing a comprehensive handbook to all employees: *Preserving Our Pride – a Guide to Good Conduct and the Discipline Process*. The handbook will provide clear information about the discipline process, a "plain English" guide to conduct and ethics, and a copy of the Table of Offenses and Penalties, along with the delegations of authority for taking disciplinary action.

This handbook should be helpful in communicating the changes we have made to the discipline process, as well as the standards of conduct we expect all employees to meet as Customs employees. As supervisors and managers, you play a special role in the implementation of change. Not only are you responsible for dealing with employee performance and conduct issues, but you are also the key to ensuring that employees understand what's expected of them. You also must do your part to ensure fairness and consistency. As a manager who has served at every level of supervision and management, I know how difficult it is to be a supervisor. But I also know that nothing in an organization can happen without the support and understanding of supervisors.

To further assist you in this essential role, we are currently developing a supervisor's version of the *Preserving Our Pride* handbook. It is my sincere hope that this handbook will answer many of your questions on our new discipline process and other closely related topics. In addition, Customs has labor/employee relations specialists throughout the field and in Headquarters, who are there to provide advice and guidance to you as you carry out your critical responsibilities in the discipline process. Please feel free to call upon them.

Attachment

U. S. CUSTOMS SERVICE TABLE OF OFFENSES AND PENALTIES

Instructions on Use

This Table of Offenses and Penalties serves as a *guide* to managers, supervisors and practitioners in assessing the appropriate penalties for common types of misconduct. While the Table does not cover every possible offense, it does provide examples of many categories of misconduct, whether committed on or off-duty, for which employees may be disciplined. The absence of a specific regulation covering an act does not mean that such an act is condoned, permissible, or would not result in disciplinary or adverse action. The Table is provided as a *guide*, not as a set of mandatory rules; it does not relieve supervisors and managers of the responsibility of using good judgment when applying it to disciplinary situations.

PURPOSE AND PROGRESSIVE NATURE OF DISCIPLINE: Disciplinary penalties are imposed to correct the behavior and teach the employee and others that those actions are inappropriate for an employee of the U. S. Customs Service. Discipline also serves to demonstrate the expected high standards of conduct for the Service. Discipline is usually progressive in nature and therefore, subsequent misconduct is treated with increasing severity. For example, an employee would not be fired for the first instance of being absent-without-leave for 15 minutes. Instead, the supervisor might start with counseling or an oral admonishment, then issue a Letter of Reprimand and so on, until either the employee corrects the behavior or until the discipline progresses up to removal from the Service.

While the concept of progressive discipline is appropriate for most types of infractions, some (such as accepting a bribe) are so egregious that a single instance is sufficient to warrant removal.

NOTE: A very minor, insignificant infraction may only warrant counseling or oral admonishment to correct the behavior.

SELECTING A PENALTY

Proposal: Supervisors and managers, after determining that some discipline is appropriate, are then faced with proposing a suitable penalty for the offense(s). Many factors are considered in determining the penalty to propose but of particular importance are the "aggravating factors" of each case. Those include issues such as whether or not the employee is a supervisor or whether or not the employee has been disciplined in the past. The proposal notice should identify those aggravating factors so that the employee has a full and fair opportunity to respond to everything that was considered in determining the proposed penalty. Some of these factors may

be identical to the “Douglas Factors” discussed below under “Final Decision.” In some cases, these aggravating factors will warrant selecting a penalty at the upper range or even outside the range of penalties shown. For example, supervisors and managers, because of their responsibility to demonstrate exemplary behavior, may be subject to a greater penalty than is provided in the range.

In taking disciplinary actions, due regard shall be given to the principle that similar penalties should be imposed for similar offenses. At the same time, the penalty may also be elevated beyond that shown for a first offense when an employee engages in additional misconduct even though it is not identical or even similar to the past misconduct. For example, an employee has a past offense of absence without leave and is currently facing a charge of insubordination. When using the Table, the reader should look under the “Subsequent Offense” column and select within that range as appropriate to the circumstances of the case.

Finally, the penalty may also be below the listed range for the offense but only after full and fair consideration of all available information. Supervisors and managers should never lose sight of the fact that the Table is a useful guide but that it cannot replace reason or good judgment.

NOTE: This Table uses 2 columns to cover the range of penalties from Written Reprimand to Removal under the headings of first and second/subsequent offenses. Second/subsequent offenses means the second and additional incidents of misconduct (which were previously shown under separate heading of second and third offenses). The use of this multiple heading does not imply that all employees will be removed from the Service after committing a second offense. Nor is the purpose to abandon the principle of progressive discipline when considering the penalty for a second or subsequent offense. The Table is a guide to help ensure consistent application of similar penalties for similar offenses but the selection of a penalty should always be appropriate to the facts of the case.

Final Decision: Once the deciding official determines whether or not the employee committed the misconduct as charged, the official must select the specific penalty to impose. At that point, the deciding official must consider certain factors, which are well established and commonly known as the “Douglas Factors.” Not all of these factors are pertinent in every case. Some factors will weigh in the employee’s favor and these are called the mitigating factors in the case. Some factors will not be in the employee’s favor and are called aggravating factors. Selection of an appropriate penalty must thus involve a responsible balancing of the relevant factors in each case. The “Douglas Factors” are:

1. The nature and seriousness of the offense, and its relation to the employee’s duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, was frequently repeated;

2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
3. The employee's past disciplinary record;
4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
5. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisor's confidence in the employee's ability to perform assigned duties;
6. Consistency of the penalty with those imposed upon other employees for the same or similar offenses;
7. Consistency of the penalty with the Table of Offenses and Penalties;
8. The notoriety of the offense or its impact upon the reputation of the agency;
9. The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in questions;
- 10.* Potential for the employee's rehabilitation;
11. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and
12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee by the employee or others.

Since Letters of Reprimand do not require a proposal, that Letter is "final" in nature and therefore, consideration of the "Douglas Factors" is appropriate.

OFFENSES: The Table is arranged by alphabetical categories of offenses. Within each category, the offenses are listed in order of seriousness, beginning with the least serious.

EXPLANATORY NOTES: The purpose of the Explanatory Notes column is to clarify what is covered by the offense through the use of further information, examples, or cross-references to other offenses.

OFF-DUTY MISCONDUCT: In cases where discipline is proposed for reasons of “off-duty” misconduct, the proposal notice will include an explanation of the nexus (connection) between the misconduct and the efficiency of the service.

REFERENCES: Legal citations in the Reference column are provided strictly for the convenience of the user. A listing does not mean that the citation is the only one applicable; nor is a citation required to determine a violation. Key citations are provided for the laws most frequently referenced. Although a criminal statute may be cited, the level of proof required for disciplinary purposes does not rise to that level required for criminal prosecution. Examples are provided for explanatory purposes only and are not intended to be all-inclusive as the citation or reference may change in the future.

ADVICE AND GUIDANCE: The Labor/Employee Relations Specialist (L/ER) is a knowledgeable resource and serves in an advisory capacity to supervisors and managers. Supervisors and managers are encouraged to contact their servicing L/ER Specialist at the onset of the disciplinary process.

U.S. CUSTOMER SERVICE

TABLE OF OFFENSES & PENALTIES

	NATURE OF OFFENSES	EXPLANATORY NOTES	FIRST OFFENSE	SECOND/ SUBSEQUENT OFFENSES	REFERENCES
A 1	Attendance-Related Absence without leave (AWOL) or unauthorized absence of 8 hours or less	Includes tardiness	Written reprimand	1-day suspension to removal	
2	Absence without leave (AWOL) or unauthorized absence between 1 and 5 workdays		Written reprimand to 3-day suspension	3-day suspension to removal	
3	Absence without leave (AWOL) or unauthorized absence of more than 5 workdays		14-day suspension to removal	Removal	
4	Any unauthorized absence resulting in the substantial impairment of mission accomplishment		1-day to 5-day suspension	5-day suspension to removal	
5	Failure to follow established leave procedures	Does not include those under leave restrictions. See E-1	Written reprimand	1-day suspension to removal	
B 1	Discriminatory Behavior Use of critical, demeaning, or degrading remarks, comments, observations, statements, or actions which have the purpose or effect of discriminating because of race, color, age, sexual orientation, religion, sex, national origin, or disability	<u>On or off-duty</u>	Written reprimand to 3-day suspension	3-day suspension to removal	
2	Careless and negligent discrimination because of race, color, age, sexual orientation, religion, sex, national origin, or disability or retaliation for prior EEO involvement in any aspect of employment	<u>On or off-duty</u>	Written reprimand to 3-day suspension	3-day suspension to removal	
3	Deliberate or willful discrimination because of race, color, age, sexual orientation, religion, sex, national origin, or disability in any aspect of employment	<u>On or off-duty</u> e.g., in employment, appraisal, advancement or treatment of employees (present and former) and applicants	14-day suspension to removal	Removal	

Please note that there must always be a nexus (connection) between the misconduct (on or off-duty) and the efficiency of the service.

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B 4	<u>Discriminatory Behavior-con't</u> Sexual harassment including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature	<u>On or off-duty</u>	5-day suspension to removal	14-day suspension to removal	
5	Inappropriate and/or unwelcome verbal or physical behavior of a sexual nature, including teasing, jokes, gestures, display of visual material, or remarks which has the purpose or effect of creating a hostile work environment	<u>On or off-duty</u>	Written reprimand to 14-day suspension	14-day suspension to removal	
6	Official action taken, threatened or inferred as a result of rejection or submission to requests for sexual favors	<u>On or off-duty</u> Includes behavior or actions directed to an employee and non-employees (such as customers, contractors, vendors, or passengers), both favorable or unfavorable, based on granting or withholding a sexual favor	30-day suspension to removal	Removal	
C 1	<u>Disruptive Behavior</u> Use of abusive, slanderous, malicious, derogatory, goading or otherwise inappropriate language, gestures, or conduct to or about another person or which creates any disturbance or disruption		Written reprimand to 3-day suspension	3-day suspension to removal	
2	Use of discourteous, unprofessional, derogatory, or otherwise inappropriate language, gestures, or conduct toward members of the public		Written reprimand to 5-day suspension	5-day suspension to removal	
3	Fighting, threatening, attempting to inflict or inflicting bodily harm to another; any violent act or language, gestures, or conduct toward members of the public		5-day suspension to removal	14-day suspension to removal	

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<u>D</u> 1	<u>Drugs and Alcohol</u> Drinking alcoholic beverages while on duty or while carrying a weapon	Except while engaged in an authorized undercover operation which necessitates the consumption of alcohol	Written reprimand to 14-day suspension	14-day suspension to removal	31 CFR 0.204 Firearms and Use of Force Handbook
2	Interfering with or refusing or failing to submit to a properly ordered or authorized drug test	Includes substituting, adulterating, or otherwise tampering with a urine sample	14-day suspension to removal	Removal	DDFWP Handbook CIS HB 51200-01
3	Reporting for duty under the influence of alcoholic beverages or being on duty or subject to overtime and so impaired as to be unable to properly perform assigned duties or to be a hazard to self or others	For example, an employee drinks after notice from supervisor of LEAP for non-duty hours and the employee is incapacitated for duty.	14-day suspension to removal	Removal	
4	Operating a Government owned or Government leased, or privately owned vehicle on official business while under the influence of illegal drugs or alcohol	On or off-duty Includes vehicles, vessels, aircraft, or other equipment	30-day suspension to removal	Removal	
5	Possession, use, sale or distribution of illegal drugs or unauthorized substance	On or off-duty Whether on Government premises or non-work premises	Removal		21 USC 844
<u>E</u> 1	<u>Failure/Refusal to Follow Orders</u> Failure to follow proper supervisory instructions	For example, failing to follow leave restrictions	Written reprimand to 14-day suspension	14-day suspension to removal	
2	Willful and intentional refusal to obey an authorized order of a superior	Includes insubordination and failing to implement corrective measures on findings of discrimination, and failure to report for required training or for duty as detailed, transferred, or reassigned	5-day suspension to removal	14-day suspension to removal	

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E 1	Falsification Inadvertent, careless, or deliberate misstatements or misrepresentations in completing official documents	Includes statements or documents related to employment, promotion, travel, transaction with the public or any other record	Written reprimand to removal	14-day suspension to removal	
2	Material and intentional falsification	For employees with potential to testify in court, violation of this standard may jeopardize their ability to perform duties required by their positions. Includes perjury or other false testimony and any employee knowingly making a false statement or accusation	Removal		18 USC 1001 LaChance v. Erickson 96-1395 Brogan v. US 96-1579
G 1	Inappropriate Use of Weapons Failure to report the discharge of a firearm or use of a weapon as required by the Firearms Policy.	<i>For all items in section G: "weapon" refers to, but is not limited to, authorized firearms, batons and chemical spray</i>	Written reprimand to 5-day suspension	5-day suspension to removal	
2	Inappropriate storage, care or misplacement of a weapon or ammunition	Loss or damage	Written reprimand to 14-day suspension	14-day suspension to removal	
3	Inappropriate display of a weapon		5-day to 10-day suspension	10-day suspension to removal	
4	Unauthorized or illegal possession of a weapon		14-day suspension to removal	Removal	

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G 5	Inappropriate Use of Weapons-con't Unnecessary discharge of a weapon (a) Where there is apparent danger to human life: (1) Intentional (2) Unintentional (b) Where there is no apparent danger to human life: (1) Intentional (2) Unintentional		(1) Removal (2) 14-day suspension to removal (1) 14-day suspension to removal (2) Written reprimand to 2-day suspension	(2) Removal (1) Removal (2) 2-day suspension to removal	Firearms and Use of Force Handbook
H 1	Inquiries or Investigations Refusal, interfering, or failing to cooperate during an official investigation or inquiry	Includes a refusal to answer work related questions, attempting to influence others involved in an inquiry or releasing information in an Internal Affairs matter when advised not to do so. Also includes delays or refusal to complete background re-investigation forms.	14- day suspension to removal	Removal	18 USC 1621 18 USC 1622
I 1	Misuse of Position Use of Customs Service identification including badges and credentials, to coerce, intimidate, deceive, or for personal gain	<u>On or off- duty</u>	Written reprimand to 10-day suspension	10-day suspension to removal	18 USC 701 CD 099 5230-029
2	Interference with an employee's right or reprisal against an employee for exercising a right to file or participate in a grievance or appeal or for labor union affiliation or lack thereof	<u>On or off-duty</u>	Written reprimand to 14-day suspension	14- day suspension to removal	

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1 3	Misuse of Position -can't Abuse of authority or position	<u>On or off-duty</u> Includes reprisal against an employee for whistleblowing and/or for providing information, testimony or otherwise participating in an official investigation or inquiry. It could also include misconduct such as using one's position to avoid a traffic citation.	10-day suspension to removal	14-day suspension to removal	
4	Criminal, infamous or notoriously disgraceful conduct, or other conduct prejudicial to the Government	<u>On or off-duty</u> Includes misconduct which may be related to the mission of the Customs Service. It also could include misconduct which receives adverse new media attention or adverse political focus.	14-day suspension to removal	Removal	5 CFR 735.203 31 CFR 0.213
5	Knowingly and inappropriately associating with informants, former informants or persons connected with criminal activities	<u>On or off-duty</u> Includes any social, sexual, financial or business relationship between employees and informants, former informants or suspected criminals	14 day suspension to removal	Removal	
6	Knowingly and inappropriately assisting violators in activities which jeopardize the law enforcement mission	Violator is a broad term intended to cover employees and others who engage in this type of misconduct	30-day suspension to removal	Removal	
7	Acceptance or solicitation of a bribe	See L-4 for reporting of a bribe	Removal		18 USC 201
1 1	Misuse of Property When willfulness or intent is <u>not</u> a factor, improper or negligent operation of Government owned or leased property	Includes vehicles, vessels, aircraft, or other equipment	Written reprimand to 14-day suspension	14-day suspension to removal	

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J 2	Misuse of Property-cont Loss of or damage to Government property equipment, records, etc.	Penalty depends on value of property, extent of damage and degree of fault. The Board of Survey may also require additional actions.	Written reprimand to 14-day suspension	14-day suspension to removal	
3	Use of Government property, property under Government custody or the property of others for other than official purposes, excluding vehicles. Use of Government sponsored travel credit card for other than official travel.	Includes use by Government employees in duty status for other than official purposes, querying TECS data for other than official purposes, use of Government credit cards for other than official purposes.	Written reprimand to 14-day suspension	14-day suspension to removal	
4	Unauthorized use of law enforcement equipment, resources, and application of techniques	Includes the use of electronic sensing devices. This charge carries a higher penalty than misuse of other government property as it could potentially jeopardize a law enforcement operation.	30-day suspension to removal	Removal	
5	Willful misuse of (or authorizing the use of) any Government-owned or Government-leased passenger vehicle, aircraft or vessel	31 USC 1349 mandates that an employee who willfully uses or authorizes the use of a Government owned or leased passenger motor vehicle or aircraft for other than official purposes shall be suspended from duty and pay for minimum of one month	30-day suspension to removal	Removal	
K 1	Neglect of Duty Delay in carrying out orders, work assignments, instructions of superiors, policies and procedures		Written reprimand to 2-day suspension	2-day suspension to removal	

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K 2	Neglect of Duty-conf' Interference with other employees in the performance of official duties		Written reprimand to 3-day suspension	3-day suspension to removal	
3	Sleeping on the job, inattention to duty where there is no potential danger to life or property or potential loss of revenue		Written reprimand to 3-day suspension	3-day suspension to removal	
4	Covering up or attempting to conceal defective work, removing or destroying same without permission		Written reprimand to 5-day suspension	5-day suspension to removal	
5	Failure to comply with rules and regulations in administering proper disciplinary action or delegated authority	May involve taking improper disciplinary action to preclude appropriate action	Written reprimand to 14-day suspension	14-day suspension to removal	
6	Negligent or careless performance of assigned duties where an inspection or other Customs enforcement function is substantially and negatively impacted		5-day to 14-day suspension	14-day suspension to removal	
7	Failure to observe established policies or procedures in the apprehension or detention of suspects or violators	Transportation of prisoners and leaving post while on guard or protective duty	7-day to 14-day suspension	14-day suspension to removal	
8	Sleeping on the job, inattention to duty where there is potential danger to life or property or revenue is lost		14-day suspension to removal	Removal	
9	Intentional or reckless disregard of rules governing arrests, searches, seizures		30-day suspension to removal	Removal	Rule 41 of the Federal Rules of Criminal Procedure

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L 1	Reporting Responsibilities/Obligations Failure to timely report arrest to superiors and/or Internal Affairs		Written reprimand to 3-day suspension	3-day suspension to removal	
2	Concealment of or failure to report, missing, lost, damaged or misappropriated government funds or property		Written reprimand to 5-day suspension	5-day suspension to removal	
3	Failure to report an accident or injury to a person or damage to property arising from acts committed or occurring within the scope of employment		Written reprimand to 5-day suspension	5-day suspension to removal	
4	Failure to promptly report an attempted bribe		Written reprimand to 10-day suspension	10-day suspension to removal	
5	Failure to promptly report violations of laws enforced by Customs Service	Includes importer violations	3-day to 5-day suspension	5-day suspension to removal	
6	Failure to report to Internal Affairs information concerning violation of any law, policy, or procedures by a Customs Service employee and/or any act or failure to act		3-day to 14-day suspension	14-day suspension to removal	
M 1	Safety/Health Failure to observe precautions for personal safety, posted rules, signs, written or oral safety instructions, or to use protective clothing, equipment		Written reprimand to 14-day suspension	14-day suspension to removal	
2	Endangering the safety of or causing injury to personnel through carelessness or failure to follow instructions		5-day suspension to removal	14-day suspension to removal	
3	Willful, wanton or reckless disregard for the safety of others	Piloting aircraft too low or acrobatically	30-day suspension to removal	Removal	

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N 1	Security Violation of security procedures covering material classified as sensitive to the Government	Includes both physical and computer security	Written reprimand to 5-day suspension	5-day suspension to removal	Security Handbook
2	Unauthorized disclosure of material classified or sensitive to the Government	Includes improper disclosure of information from Grand Jury, Title III and TECS, ACE, ACS, NCIC and other Customs computerized systems to include appeal/complaint proceedings	14-day suspension to removal	Removal	18 USC 1030; TECS, Security Handbook, Rule 6e of the Federal Rules of Criminal Procedure
O 1	Theft Unauthorized use, removal or possession of a thing of value belonging to another employee or private citizen		Written reprimand to 14-day suspension	14-day suspension to removal	
2	Actual or attempted theft or other unauthorized taking or diversion of funds or property owned or controlled by the Government	Includes intentional destruction, concealment or alteration of official documents; conversion; diminishing value of property or amount, is immaterial funds negligible when Customs Service has mission related interest in misconduct	Written reprimand to removal	14-day suspension to removal	18 USC 641
P 1	Unethical Conduct Borrowing substantial sums of money from a subordinate employee, securing a subordinate's endorsement on a loan, or otherwise having a subordinate assume the financial responsibility of a superior		Written reprimand to 3-day suspension	3-day suspension to removal	5 CFR 2635.702(a)
2	Failure to report the employment of family members in violation of 31 CFR 3101.110(b)		Written reprimand to 3-day suspension	3-day suspension to removal	5 CFR 2635.502

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2 3	Unethical Conduct - con't Failure to obtain prior written approval before engaging in outside employment		Written reprimand to 3-day suspension	3-day suspension to removal	31 CFR 3101.104
4	Direct or indirect solicitation or acceptance of a gift from a subordinate		Written reprimand to 5-day suspension	5-day suspension to removal	5 USC 7351 5 CFR 2635.301 (Subpart C)
5	Direct or indirect bidding or purchase at auction or sale of Government property under direction or incident to the function of the Customs Service		Written reprimand to 14-day suspension	14-day suspension to removal	31 CFR 3101.103
6	Seeking employment with persons or businesses affected by the performance or non-performance of the employee's official duties		Written reprimand to 14-day suspension	14-day suspension to removal	5 CFR 2635.601 (Subpart 5)
7	Direct or indirect solicitation or acceptance of gifts from prohibited sources given because of an employee's official position	Prohibited source, for example, is any person who is or is seeking to do business with Customs Service	Written reprimand to 14-day suspension	14-day suspension to removal	5 CFR 2635.200 (Subpart B)
8	Conflict of interest with the mission of the Customs Service	For example, role as an officer in an organization with or without pay, certain financial interests	Written reprimand to 14-day suspension	14-day suspension to removal	5 CFR 2635.403 (Subpart D) 5 CFR 2635.501 (Subpart E) 18 USC 205
9	Engaging in political activity which violates the Hatch Act		Written reprimand to 14-day suspension	14-day suspension to removal	5 USC 7323 & 7324 5 CFR 734.301 5 CFR 734.701
10	Soliciting or giving a gift or donation to an official superior in violation of 5 CFR 2635.302		Written reprimand to 14-day suspension	14-day suspension to removal	

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P 11	Unethical Conduct-conflict Giving the appearance of a conflict of interest or of violating the law or the ethical standards of conduct		Written reprimand to 14-day suspension	14-day suspension to removal	5 CFR 2635 5 CFR 3101
12	Use of public office for private gain		14-day suspension to removal	Removal	5 CFR 2635.702 (Subpart G)
13	Engaging in outside employment prohibited by 31 CFR 3101.110	For example, working as or for a broker	14-day suspension to removal	Removal	31 CFR 3101.110 5 CFR 2635.801 (Subpart H)
Q 1	Other Failure to honor just financial obligations in a prompt and timely manner		Written reprimand	Written reprimand to removal	18 USC 228
2	Failure to maintain a neat, clean and businesslike appearance or to comply with uniform/dress standards while on duty		Written reprimand to 2-day suspension	3 -day suspension to removal	
3	Gambling or betting on Government premises	Includes gambling on the Internet	Written reprimand to 5-day suspension	5-day suspension to removal	5 CFR 735.201

Please note that there must always be a nexus (connection) between the misconduct (on or off-duty) and the efficiency of the service.

